

SEALED

AO 106 (Rev. 04/10) Application for a Search Warrant

FEB - 3 2016

UNITED STATES DISTRICT COURT

CLERK, U.S. DISTRICT COURT

By _____

Deputy

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)

A white 2005 Chrysler PT Cruiser bearing temporary Texas tag 109141G

for the
Northern District of Texas

Case No. 3-16-MJ-_____

3-16MJ070-BH

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

SEE ATTACHMENT A

located in the Northern District of Texas, there is now concealed (identify the person or describe the property to be seized):

SEE ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18 U.S.C. Section 1344 and Title 18 U.S.C. Section 1029	(1344) Bank Fraud and (1029) Fraud and related activity in connection with access devices

The application is based on these facts:
See attached Affidavit of SA Marc D. Pfleghaar

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

FBI SA MARC D. PFLEGHAAR

Printed name and title

Sworn to before me and signed in my presence.

Date: 2/3/16 @ 3:40 p.m.



Judge's signature

City and state: DALLAS, TEXAS

IRMA C. RAMIREZ, U.S. MAGISTRATE

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN THE MATTER OF THE APPLICATION §
OF THE UNITED STATES OF AMERICA §
FOR A WARRANT AUTHORIZING THE § No. 3-16-MJ _____
SEARCH OF A WHITE 2005 §
CHRYSLER PT CRUISER BEARING § (UNDER SEAL)
TEMPORARY TEXAS TAG 109141G §

APPLICATION AND AFFIDAVIT IN SUPPORT
OF WARRANT TO SEARCH VEHICLE

I, Marc D. Pflgebraar, a Special Agent with Federal Bureau of Investigation, being
duly sworn, deposes and states:

Upon information and belief, a white in color, 2005 Chrysler PT Cruiser, bearing a
temporary Texas license plate 109141G (Hereinafter referred to as the "Subject
Vehicle"), is presently being used in furtherance of the installation of Automated Teller
Machine (ATM) skimming devices at Federally Insured financial institutions in Texas
and Oklahoma. The installation of the ATM skimming devices is in violation of 18
U.S.C. § 1029, Fraud and related activity in connection with access devices; and 18
U.S.C. § 1344, Bank Fraud.

Your affiant further states that there is probable cause to believe that the Subject
Vehicle may contain evidence, fruits, and instrumentalities of the aforementioned crimes.

The source of your affiant's information and the grounds for his belief are as
follows:

are not covered by the Federal Deposit Insurance Corporation (FDIC) and can cause significant financial losses.

5. On November 13, 2015, the FBI Sherman Resident Agency received information from American Bank of Texas (ABT) that a skimming device was installed on an ATM located at 931 W. Main Street, Denison, Texas. On October 24, 2015, at approximately 6:08 am, ABT ATM surveillance video captured MICLESCU walk up to the ATM on foot and install the skimming equipment. Later that day, at approximately 6:40 pm, ATM surveillance video captured NISTOR walk up to the ATM on foot and remove the device. ABT was able to obtain a list of ATM debit cards used during the time the skimming device was on the ATM.

6. During the period November 7, 2015 to November 9, 2015, ABT, the victim bank suffered financial losses in excess of \$74,000 as a result of over 190 unauthorized transactions in the Houston, Texas area that resulted from the financial and personal information captured by the skimming device on October 24, 2015.

7. On November 19, 2015, your Affiant met with personnel with Landmark Bank. Investigation determined that MICLESCU and NISTOR also placed a skimming device on an ATM owned by Landmark Bank in Durant, Oklahoma on October 23, 2015.

8. Your Affiant is aware that Landmark Bank suffered financial losses in excess of \$100,000 as a result of unauthorized transactions in the Houston, Texas area. The unauthorized transactions resulted from the financial and personal information captured by the skimming devices in Oklahoma in October 2015.

9. On or about November 18, 2015, your Affiant contacted the FBI Salt Lake City Division regarding an on-going investigation involving ATM skimming. The FBI Salt Lake City investigation involved a group of Romanian-born subjects who travelled the country and stole financial and personal information by placing skimmers on ATM machines throughout the United States. The group claimed to have ties to the state California and Houston, Texas. In May 2015, a portable GPS navigation device was seized during the arrest of two subjects involved in the criminal activity. Your Affiant is aware that the GPS contained numerous stops at suspected financial institutions in Texas and Oklahoma.

10. On January 29, 2016, your Affiant was contacted by Loss Prevention personnel from Texans Credit Union (TCU) in Richardson, Texas. TCU Loss Prevention personnel were notified that an ATM skimming device was found on an ATM at their Garland, Texas branch. Due to a technical malfunction, no ATM surveillance video was recorded at the time the device was installed.

11. Your Affiant and the Garland Police Department (GPD) established a surveillance on the TCU Garland, Texas, ATM. At approximately 7:30 pm, NISTOR approached the ATM and removed the skimming device. NISTOR walked to a nearby vehicle driven by MICLESCU. GPD officers followed the vehicle as it drove away from TCU. The vehicle was stopped by a GPD patrol unit after it ran a red light. A GPD officer observed NISTOR attempt to destroy a portion of the skimming device by stomping on the device as he approached the vehicle. MICLESCU and NISTOR were

taken into custody by GPD and charged with violations of Texas State Law associated with the ATM skimming devices.

12. Once in GPD custody, it was determined that MICLESCU and NISTOR were involved in the previous ATM skimming incidents discussed in the Probable Cause section of this Affidavit. The Subject Vehicle was towed to the Garland PD Impound Lot as per Garland PD policy.

13. Affiant is aware that the subjects of this investigation are suspected in installing approximately 10 skimming devices on ATMs throughout Texas and Oklahoma during the period August 2015 and present. The stolen information is then used to illegally obtain money in the Houston, Texas area. As the investigation progresses, it is anticipated that the subjects of this investigation will be linked to more skimming devices discovered on financial institutions in the Eastern District of Texas and elsewhere.

14. Affiant believes, based on prior training and experience, that the subjects involved in this type of crime change identities, vehicles and locations frequently in an attempt to avoid detection by law enforcement.

15. A review of Department of Motor Vehicle records indicated that the Subject Vehicle is a 2005 Chrysler PT Cruiser, bearing a temporary Texas license 109141G. The most recent registered owner of the vehicle was Christo Popescu, 10190 South Drive, Apartment 419, Houston, Texas.

16. Based upon my own personal observations, I know that the Subject Vehicle is currently located the Northern District of Texas, and has been used to install and

remove skimming devices in the Eastern District of Texas.

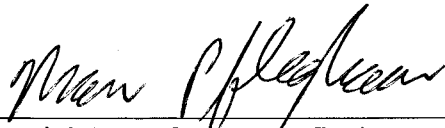
17. On January 29, 2016, your Affiant observed the Subject Vehicle before the vehicle was impounded by the GPD. The Subject Vehicle was photographed by the GPD Crime Scene Unit prior to the vehicle being moved. Affiant observed a portion of an ATM skimming device, clothing, a portable navigation system, and other personal items inside the vehicle in plain view. Affiant knows from previous experience and training that personal items found inside the vehicle, including the portable navigation system, may identify the location, date, and time of places pertinent to this investigation. Affiant believes such information may be useful in placing the subjects in this investigation at or near certain victim financial institutions. In addition, Affiant is aware that many retailers maintain video surveillance for a certain amount of time, which may help in the identification of other co-conspirators in this investigation.

18. Based on this Affidavit, I have probable cause to believe that offenses have been committed, that there are records of these offenses as described in Attachment B, and that these records may be located in the subject vehicle, and described in Attachment A. Therefore, I respectfully request that a search warrant be issued for the Subject Vehicle believed to be located within the Northern District of Texas.

19. In accordance with 18 U.S.C. 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), I request that the warrant delay notification of the execution of the

warrant for a period not to exceed 90 days after the end of the authorized period of tracking (including any extensions thereof) because there is reasonable cause to believe that providing immediate notification would seriously jeopardize the investigation.

20. WHEREFORE, your deponent respectfully requests that the Court issue a warrant authorizing members of the FBI or their authorized representatives, including but not limited to other law enforcement agents and technicians assisting in the above-described investigation, to search the Subject Vehicle within the Northern District of Texas.



Special Agent Marc D. Pfleghaar
Federal Bureau of Investigation

Subscribed and sworn to before me this 3rd day of February 2016 at 3:40 ~~am~~ p.m in Dallas, Texas.



IRMA C. RAMIREZ
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Item to be searched – White in Color, 2005 Chrysler PT Cruiser, Temporary
Texas Tag 109141G

ATTACHMENT B

DESCRIPTION OF PROPERTY TO BE SEIZED

Based on the information contained in this affidavit, I respectfully submit that there is probable cause to seize the following items, described in Attachment B, which constitute evidence, fruits, and instrumentalities of violations of 18 U.S.C. §1029 (Fraud and Related Activity in Connection to Access Devices) and 18 U.S.C. §§ 1344 (Bank Fraud). The following evidence, books, records, files and all other information (written, printed, magnetic or electronic) pertaining to Florin Miculescu, Marinela Nistor, and others known and unknown, including:

1. Books and papers reflecting names, addresses, telephone numbers, vendors, distributors, manufacturers and other contact or identification data relating to the financial institutions or any activity related to the connection of access devices;
2. Any records or receipts indicating the date, time and/or location at the time of purchase.
3. Any device that could be used to access an ATM skimmer device;
4. Any device communication device, including but not limited to, a cellular telephone.
5. Any map or mapping device, capable of giving directions, including, but not limited to a portable Global Positioning System (GPS) or equivalent device, that could indicate or store dates, times and locations travelled.